

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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MICHAEL RAYMOND MORENCY and :  
ROEUTH MORENCY, husband and wife, :  
Plaintiffs, :

v. :

No. 5:19-cv-5304

CITY OF ALLENTOWN, ALLENTOWN :  
POLICE DEPARTMENT, CHIEF OF :  
POLICE TONY ALSLEBEN, OFFICER :  
DIEHL, SERGEANT FLORES, and :  
OFFICER ERIC BLOOD, :  
Defendants. :

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**ORDER**

**AND NOW**, this 22<sup>nd</sup> day of April, 2020, for the reasons set forth in the Opinion issued this date, **IT IS HEREBY ORDERED THAT:**

1. Defendants' motion for judgment on the pleadings, ECF Nos. 14, 24, is **GRANTED, in part.**
2. Claims two, three, four, five, and six of the Amended Complaint are dismissed, without prejudice. The portion of claim one premised on simple assault is also dismissed, without prejudice. Claims nine and ten are dismissed with prejudice, as futile. Moreover, claim eleven is dismissed with prejudice as duplicative of other claims.
3. Accordingly, Plaintiffs are granted leave to re-plead the following claims: false arrest and false imprisonment against Officer Blood; malicious prosecution against Officer Blood for the two charges of simple assault; false arrest, false imprisonment, and unlawful search against Sergeant Flores; a *single* claim against the City of Allentown alleging municipal liability

for constitutional violations; and conspiracy claims premised on re-alleged constitutional violations.

4. Should Plaintiffs choose to amend their pleadings, they shall file a Second Amended Complaint and do so within thirty (30) days of this Order.

5. Defendants' motion is **DENIED** as to the remainder of the claims.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge